

EXHIBIT 22

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Attorneys for Defendants Power
Ventures, Inc. and Steve Vachani

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FACEBOOK, INC.,

Plaintiff,

-against-

POWER VENTURES, INC. d/b/a POWER.COM, a
California corporation; POWER VENTURES, INC.
a Cayman Island Corporation, STEVE VACHANI,
an individual; DOE 1, d/b/a POWER.COM, an
individual and/or business entity of unknown nature;
DOES 2 through 25, inclusive, individuals and/or
business entities of unknown nature,

Defendants.

Case No. 5:08-CV-05780 JW

**DEFENDANT POWER VENTURES,
INC.'S SUPPLEMENTAL
RESPONSES TO FACEBOOK,
INC.'S INTERROGATORIES NOS.
1, 2, 3, 7, 13, 14, 15, 19, 20 AND 21**

presentations, sample source code, internal developer manuals, and plans for future development. Some, but not necessarily all, of these documents can be found at “power.com / Power.Com.Core / Engines / Facebook,” “design / Produtos / Power.com / facebook,” “docs / Documentação Produtos,” “produtos / Produtos,” “apresentacoes / produtos,” and “apresentacoes / 20090120 - Intersite Connect.”

INTERROGATORY NO. 2:

Describe in detail AND IDENTIFY the process by which POWER provides OR provided POWER USERS with access to the FACEBOOK WEBSITE.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

See supplementary response to Interrogatory No. 1.

INTERROGATORY NO. 3:

Describe in detail AND IDENTIFY ANY AND ALL software, i.e., computer code, programs, tools, scripts OR automated devices, YOU use OR used to access OR provide POWER USERS with the means to access, the FACEBOOK WEBSITE to copy, download, extract, OR retrieve information from the FACEBOOK WEBSITE, including but not limited to, the processes OR procedures by which that software was developed, including how it was tested and on what code its functionality was tested.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:

See supplementary response to Interrogatory No. 1.

INTERROGATORY NO. 7:

Describe in detail and IDENTIFY the process by which YOU continued to access, OR provide POWER USERS’ with the means to access, the FACEBOOK WEBSITE following FACEBOOK’s IP blocking, including, but not limited to the POWER employee(s) OR director(s) responsible for that process OR decision.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:

Power hereby incorporates the General Objections above as if fully stated herein. Power objects that this interrogatory is vague and ambiguous, overly broad, unduly burdensome, and

1 seeks information that is irrelevant and not reasonably calculated to lead to the discovery of
2 admissible evidence.

3 Subject to and without waiving these objections, pursuant to Fed. R. Civ. P. 33(d), Power
4 refers to its source code, produced on 8/23/11 and 9/14/11. The source code is the primary source
5 material, as it contains the exact functions and technical mechanisms through which Power
6 accessed the Facebook Website. Additionally, Power refers to documentation stored in Power's
7 subversion repository ("SVN"), produced on 10/24/11. The SVN is a secondary source, as it
8 contains supporting documents about Power's software, including screenshots, PowerPoint
9 presentations, sample source code, internal developer manuals, and plans for future development.
10 Some, but not necessarily all, of these documents can be found at "power.com / Power.Com.Core /
11 Engines / Facebook," "design / Produtos / Power.com / facebook," "docs / Documentação
12 Produtos," "produtos / Produtos," "apresentacoes / produtos," and "apresentacoes / 20090120 -
13 Intersite Connect."

14 Aside from this information, Power did not implement any additional processes,
15 procedures, or technical measures to bypass Facebook's IP block. The person responsible for
16 Power's conduct in this regard was its Chief Executive Officer, Steve Vachani.

17 **INTERROGATORY NO. 13:**

18 Explain in detail what actions, if any, YOU took to integrate the POWER WEBSITE with
19 FACEBOOK Connect.

20 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13:**

21 See supplemental response to Interrogatory No. 1.

22 **INTERROGATORY NO. 14:**

23 Describe in detail YOUR "detailed product plan" regarding the "reintegration of Facebook
24 with Facebook connect," referenced in YOUR December 17, 2008 e-mail to FACEBOOK's legal
25 counsel. Dkt. No. 56 at Ex. A.

1 seeks information that is irrelevant and not reasonably calculated to lead to the discovery of
2 admissible evidence.

3 As a matter of business practice, Power does not delete or destroy any documents related to
4 any aspect of its business. See Vachani Dep. at 271:9-272:5, 296:9-298:16. Power ceased its daily
5 operations on April 2011. Nonetheless, Power preserved its files by transferring them to an online
6 backup. This online backup contains Power's databases and subversion repository, which includes
7 a large organizational chart of Power's divisions and employees, presentations given at board
8 meetings, several dozen PowerPoint presentations for investment funds and advertisers, banner ads
9 and commercials, information on Power's business model, a PowerPoint presentation for each
10 major component of Power's software (PowerFriends, PowerMessenger, Orkut connectivity,
11 MySpace connectivity), internal documentation for each component of Power's software,
12 information on stock option programs, brainstorming for new software development, plans for
13 growth and expansion, "break even" revenue requirements, marketing materials, hardware and
14 software specifications for Power's servers, network diagrams, and segments of source code.

15 Nearly every file was transferred to the online backup. However, one database file,
16 Power_Logger, was too large to feasibly be transferred. This file was over 100 GB, and it did not
17 contain critical user data, such as profiles, personal information settings, or passwords. Instead, it
18 logged the activities of Power's servers. For this reason, Power necessarily omitted Power_Logger
19 from the backup.

20 Dated: November 18, 2011

BURSOR & FISHER, P.A.

21
22 By: 

L. Timothy Fisher

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Attorneys for Defendants Power
Ventures, Inc. and Steve Vachani

VERIFICATION

I, Steve Vachani, declare that:

I am a defendant in the above-captioned action. I have read DEFENDANT POWER VENTURES, INC.'S SUPPLEMENTAL RESPONSES TO FACEBOOK, INC.'S INTERROGATORIES NOS. 1, 2, 3, 7, 13, 14, 15, 19, 20 AND 21, and know the contents thereof. The responses are true of my own knowledge except as to the matters therein stated on information and belief and as to those matters I believe them to be true.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed in San Francisco, CA on November 18th, 2011.



Steve Vachani

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Bursor & Fisher, P.A., 1990 North California Blvd., Suite 940, Walnut Creek, CA 94596. On November 18, 2011, I served the within document:

DEFENDANT POWER VENTURES, INC.'S SUPPLEMENTAL RESPONSES TO FACEBOOK, INC.'S INTERROGATORIES NOS. 1, 2, 3, 7, 13, 14, 15, 19, 20 AND 21

- ☒ by placing a copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Walnut Creek, California addressed as set forth below.
- ☐ by depositing a true copy of the same enclosed in a sealed envelope with delivery fees provided for a Overnight/Federal Express pick up box or office designated for overnight delivery, and addressed as set forth below.
- ☐ By causing a personal delivery of a copy of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by facsimile transmission on that date. This document was transmitted by using a Brother MFC-9970CDW facsimile machine that complies with California Rules of Court Rule 2003(3), telephone number (925) 407-2700. The transmission was reported as complete and without error.
- ☐ by e-mail transmission on that date. These documents were transmitted via e-mail to the following e-mail addresses as set forth below.

I. Neel Chatterjee
Theresa A. Sutton
Morvarid Metanat
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I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

1 I declare under penalty of perjury under the laws of the State of California that the above is
2 true and correct, executed November 18, 2011, at Walnut Creek, California.

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5 _____
6 Debbie Schroeder
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